

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ISHMAEL PINKNEY	
Plaintiff,	CIVIL ACTION - LAW
v.	No. _____
CARROLL NICHOLSON	
and	
EAGLE TRANSPORT CORPORATION	
Defendants.	

**DEFENDANTS' NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants, Eagle Transport Corporation and Carroll Nicholson (hereafter, collectively "Removing Defendants"), by and through counsel, give Notice of Removal of this action from the Common Pleas Court of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania and, in support thereof, state as follows:

**REMOVAL IS TIMELY UNDER 28 U.S.C. § 1446**

1. This action was initially commenced by Plaintiff, Ishmael Pinkney ("Plaintiff"), with the Complaint having been filed in the Philadelphia County Court of Common Pleas on October 23, 2018, and docketed in the matter entitled *Ishmael Pinkney v. Carroll Nicholson and Eagle Transport Corporation*, Docket #03122, October Term, 2018. A true and correct copy of the Civil Cover Sheet, Summons and Plaintiff's Complaint is attached hereto as ***Exhibit "A."***

2. Service by certified mail on Removing Defendants occurred on October 29, 2018. See Affidavits of Service re: Carroll Nicholson at ***Exhibit "B"*** and Eagle Transport Corporation at ***Exhibit "C."***

3. This Notice of Removal is being filed within 30 days after receipt by Removing Defendants of a copy of a paper from which it may be ascertained that this case is one which has become removable in accordance with 28 U.S.C. § 1446(b)(3). *See Ereksan v. Ashford Philadelphia Annex, LLC*, No. 12-5815, 2013 U.S. Dist. LEXIS 57745 (E.D. Pa. Apr. 23, 2013).

4. Pursuant to 28 U.S.C. § 1446(d), upon filing this Notice of Removal, Removing Defendants will file a Notice of Removal in the State Court Action pending in the Common Pleas Court of Philadelphia County, Pennsylvania and will provide written notice to Plaintiff. A true and correct copy of the Removing Defendants' Notice of Filing of Removal is annexed hereto as ***Exhibit "D."***

**DIVERSITY OF CITIZENSHIP EXISTS UNDER 28 U.S.C. § 1332**

5. Plaintiff is a citizen of the Commonwealth of Pennsylvania with an address of 3933 N. Delhi Street, Philadelphia County, PA 19140. *See* Civil Cover Sheet, Summons and Complaint captions at ***Exhibit "A."***

6. Defendant, Eagle Transport Corporation is a corporation organized and existing under the laws of the State of North Carolina with a principal place of business at 300 S. Wesleyan Boulevard, Suite 202, Rocky Mount, NC 27804. *See* caption of Complaint at ***Exhibit "A."***

7. Defendant, Carroll Nicholson is a citizen of the State of Maryland with an address of 29880 Brittani Lane, Delmar, MD 210875-2479. *See* caption of Complaint at ***Exhibit "A."***  
*See also* Affidavit of Service re: Nicholson at ***Exhibit "B."***

**AMOUNT IN CONTROVERSY EXCEEDS \$75,000**

8. Plaintiff's Complaint seeks damages "in excess of Fifty Thousand Dollars (\$50,000)." *See ad damnum* clause of Count I of the Complaint.

9. In Count I of the Complaint, Plaintiff alleges to have suffered severe and permanent and disabling personal injuries . . . all of which cause great physical pain and mental anguish . . . including but not limited to:

- 2 mm broad-based midline/left paramedian disc protrusion at L4-5;
- Disc degeneration with broad disc protrusion and left greater than right neural foraminal narrowing at C5-6;
- Bilateral intraforaminal disc protrusion, right greater than left, at C4-5;
- Bilateral intraforminal disc protrusion, left greater than right, at C3-4;
- Disc bulge at C2-3;
- Evidence of an ongoing subacute C6 radiculopathy on the left;
- Lumbar strain;
- Post-concussive syndrome;
- Acute post-traumatic left upper extremity radiculopathy;
- Acute post-traumatic right shoulder rotator cuff tendonitis;
- Contusion of the right knee;
- Acute post-traumatic left wrist carpal tunnel syndrome with sprain and strain;
- Acute post-traumatic cervical myositis;
- Acute post-traumatic trapezius myositis;
- Acute post-traumatic lumbar myositis;
- Acute post-traumatic sacroiliitis;
- Cervical and lumbar sprain and strain;
- Aggravation of cervical and lumbar spondylosis;
- Possible L4-5 instability with spondylolisthesis;

- Recommendations for epidural injections; and
- Mental anxiety and anguish.

*See Exhibit "A" at ¶ 9.*

10. Plaintiff asserts that he has incurred medical expenses that were reasonable, necessary and causally-related to the aforesaid accident. *See Exhibit "A" at Count 1, ¶ 12.* Attached hereto as *Exhibit "E"* is an email from plaintiff's counsel in regard to Worker's Compensation amounts in excess of \$75,000.

11. As such, the amount in controversy exceeds the jurisdictional threshold of \$75,000, exclusive of interest and costs, required by 28 U.S.C. § 1332(a).

**DIVERSITY JURISDICTION IS SATISFIED AND VENUE IS PROPER**

12. Based upon the above, this Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that Plaintiff's Complaint presents a case where the amount in controversy is alleged to total in excess of \$75,000 and the controversy exists between citizens of different states.

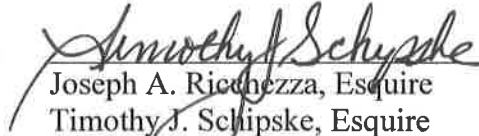
13. Venue is proper in that the events or omissions giving rise to the claim occurred in Delaware County, Pennsylvania, which is situated in this Judicial District. *See* 28 U.S.C. § 1391(b)(2).

14. Removing Defendants will promptly file a copy of this Notice with the Clerk of the Court of Common Pleas in Philadelphia County, Pennsylvania in the State Court Action as required by 28 U.S.C. § 1446(d) and provide written notice to Plaintiff.

15. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

Respectfully submitted,

By:



Joseph A. Ricchezza, Esquire  
Timothy J. Schipske, Esquire  
1601 Market Street, Suite 2500  
Philadelphia, PA 19103

(215) 606-6600

(215) 606-6601 Fax

[jricchezza@srstlaw.com](mailto:jricchezza@srstlaw.com)

[tschipske@srstlaw.com](mailto:tschipske@srstlaw.com)

*Attorneys for Defendants,*

*Carroll Nicholson and Eagle Transport Corporation*

Dated: 11/20/2018

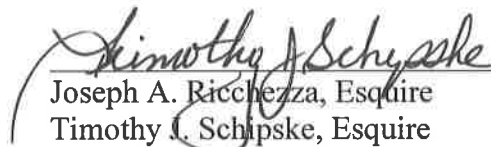
**CERTIFICATE OF SERVICE**

I, Timothy J. Schipske, Esquire, hereby certify that I served a true copy of the foregoing Notice of Removal on the following counsel by first-class U.S. Mail, postage pre-paid:

Charles S. Cooper, Esquire  
Cooper & Schall, P.C.  
2000 Market Street  
Suite 1400  
Philadelphia, PA 19103

**SALMON, RICCHEZZA, SINGER & TURCHI LLP**

By:



Joseph A. Ricchezza, Esquire  
Timothy J. Schipske, Esquire  
1601 Market Street, Suite 2500  
Philadelphia, PA 19103  
(215) 606-6600  
(215) 606-6601 Fax  
[jricchezza@srstlaw.com](mailto:jricchezza@srstlaw.com)  
[tschipske@srstlaw.com](mailto:tschipske@srstlaw.com)  
*Attorneys for Defendants,*  
*Carroll Nicholson and Eagle Transport Corporation*

Dated: 11/20/2018

# **EXHIBIT “A”**

Court of Common Pleas of Philadelphia County  
Trial Division

## Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
<b>OCTOBER 2018</b> E-Filed Number: 1810051848 <b>003122</b>	
PLAINTIFF'S NAME ISHMAEL PINKNEY	DEFENDANT'S NAME CARROLL NICHOLSON
PLAINTIFF'S ADDRESS 3933 NORTH DELHI STREET PHILADELPHIA PA 19140	DEFENDANT'S ADDRESS 29880 BRITTANI LANE DELMAR MD 21875
PLAINTIFF'S NAME	DEFENDANT'S NAME EAGLE TRANSPORT CORPORATION
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 300 SOUTH WESLEYAN BOULEVARD SUITE 202 ROCKY MOUNT NC 27804
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2 COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> <b>FILED</b>  <b>PRO PROTHY</b>  <b>OCT 23 2018</b>  <b>M. BRYANT</b> </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>ISHMAEL PINKNEY</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY CHARLES S. COOPER	ADDRESS COOPER & SCHALL PC 2000 MARKET STREET SUITE 1400 PHILADELPHIA PA 19103
PHONE NUMBER (215) 561-3313	FAX NUMBER (215) 246-0693
SUPREME COURT IDENTIFICATION NO. 46568	E-MAIL ADDRESS charlescooper@cooperschallandlevy.com
SIGNATURE OF FILING ATTORNEY OR PARTY CHARLES COOPER	DATE SUBMITTED Tuesday, October 23, 2018, 02:53 pm

FINAL COPY (Approved by the Prothonotary Clerk)



**COOPER, SCHALL & LEVY, P.C.**  
**By: Charles S. Cooper, Esquire**  
**Atty. I.D. # 46568**  
**2000 Market Street**  
**Suite 1400**  
**Philadelphia, PA 19103**  
**(215)561-3313**

Filed and Attested by the  
 Office of Judicial Records  
 Attorney for Plaintiff OCT 20 2018 02:53 pm



**ISHMAEL PINKNEY**  
**3933 North Delhi Street**  
**Philadelphia, PA 19140**

**Plaintiff**

**COURT OF COMMON PLEAS**  
**PHILADELPHIA COUNTY**

**OCTOBER TERM, 2018**

**v.**

**CARROLL NICHOLSON**  
**29880 Brittani Lane**  
**Delmar, MD 21875-2479**  
**And**  
**EAGLE TRANSPORT**  
**CORPORTATION**  
**300 South Wesleyan Boulevard**  
**Suite 202**  
**Rocky Mount, NC 27804**

**Defendants**

**NO.**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint & Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**PHILADELPHIA COUNTY BAR ASSOCIATION**  
 Lawyer Referral & Information Service  
 One Reading Center, 1101 Market Streets  
 Philadelphia, Pennsylvania 19107  
 (215) 238-1701

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de s persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder u otros derechos importantes para usted.

**LLEVE ESTAS DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**ASOCIACION DE LICENCIADOS DE FILADELFA**  
 Servicio De Referencia E Informacion Legal  
 One Reading Center, 1101 Market Streets  
 Filadelfia, Pennsylvania 19107  
 (215) 238-1701

COOPER, SCHALL & LEVY, P.C.  
By: Charles S. Cooper, Esquire  
Atty. I.D. # 46568  
2000 Market Street  
Suite 1400  
Philadelphia, PA 19103  
(215)561-3313

Attorney for Plaintiff

ISHMAEL PINKNEY  
3933 North Delhi Street  
Philadelphia, PA 19140

Plaintiff

v.

CARROLL NICHOLSON  
29880 Brittani Lane  
Delmar, MD 21875-2479  
And  
EAGLE TRANSPORT  
CORPORATION  
300 South Wesleyan Boulevard  
Suite 202  
Rocky Mount, NC 27804

Defendants

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

OCTOBER TERM, 2018

NO.

**CIVIL ACTION COMPLAINT**  
**NEGLIGENCE – 2V – MOTOR VEHICLE ACCIDENT**

1. Plaintiff Ishmael Pinkney is an adult individual residing at the above-captioned address.

2. Defendant Carroll Nicholson is an adult individual residing at the above-captioned address.

3. Defendant Eagle Transport Corporation is a business corporation organized and existing under the laws of the state of North Carolina, with a principal place of business located at the address noted above.

4. On or about October 24, 2016, at approximately 10:02 a.m., Plaintiff, Ishmael Pinkney was operating a commercial vehicle, southbound on I-476 in Nether Providence Township, Delaware County, Commonwealth of Pennsylvania, when he was

struck in the rear of his vehicle by the vehicle owned by Defendant, Eagle Transport Corporation, operated by Defendant, Carroll Nicholson, who received two (2) violations - §3310 Following too closely and §3361 Driving vehicle at safe speed, which caused severe and permanent injury to Plaintiff, as is set forth more fully at length below.

5. At all relevant times hereto, Defendants acted by and through its agents, work persons, employees and/or servants then and there acting within the course and scope of their authority, duties and/or employment for Defendants.

6. This accident was caused solely from the negligence, carelessness, and/or recklessness of Defendants and was in no manner whatsoever due to any act of negligence on the part of Plaintiff.

**COUNT I – NEGLIGENCE**  
**ISHMAEL PINKNEY v. DEFENDANTS**

7. Plaintiff, Ishmael Pinkney, hereby incorporates Paragraphs 1-6 as if same were set forth at length herein.

8. The negligence, carelessness, and/or recklessness of Defendants herein consisted of any and all of the following:

- (a) failure to properly operate said vehicle;
- (b) failure to apply his breaks sufficiently in time to avoid an accident;
- (c) failure to properly calculate distance of vehicle with respect to other vehicles on the road;
- (d) failure to drive at a reasonable speed;
- (e) failure to be aware of other vehicles on the roadway;
- (f) failure to remain in control of his vehicle;
- (g) failure to use all prudent and necessary care for vehicular travel under the circumstances;
- (h) violating applicable sections of Title 75 including §3310 and §3361 and /or ordinances and codes for the Commonwealth of

Pennsylvania and such other statutes and case law governing the operation of motor vehicles on the streets and highways;

- (i) driving too fast for conditions;
- (j) following too close; and
- (k) such other acts of negligence, carelessness, and/or recklessness as may be adduced through discovery or at trial.

9. Due to all foregoing, Plaintiff suffered severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of his body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused her great physical pain and mental anguish, with respect to the following, including but not limited to: 2mm broad based midline/left paramedian disc protrusion at L4-5, disc degeneration with broad disc protrusion and left greater than right neural foraminal narrowing at C5-6, bilateral intraforaminal disc protrusion, right greater than left at C4-5, bilateral intraforaminal disc protrusion, left greater than right at C3-4, disc bulging at C2-3, evidence of an ongoing subacute C6 radiculopathy on the left, lumbar strain, post-concussion syndrome, acute post-traumatic left upper extremity radiculopathy, acute post-traumatic right shoulder rotator cuff tendinitis, contusion of the right knee, acute post-traumatic left wrist carpal tunnel syndrome with sprain and strain, acute post-traumatic cervical myositis, acute post-traumatic trapezius myositis, acute post-traumatic lumbar myositis, acute post-traumatic sacroiliitis, cervical and lumbar sprain and strain, aggravation of cervical and lumbar spondylosis, possible L4-5 instability with spondylolisthesis with recommendation epidural injections recommended, severe aches, pains, mental anxiety and anguish, severe shock to her entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff's bodily functioning that substantially impairs

Plaintiff's ability to perform his daily life activities, and the full extent of which is not yet known.

10. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment, and he will continue to suffer same for an indefinite period of time in the future

11. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid accident and will otherwise incur various expenditures for the injuries he has suffered.

12. As a further result of the said accident, Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries he sustained in this accident.

13. As a further result of the said accident, Plaintiff has been unable to attend to his daily chores, duties, and occupations, and he will be unable to do so for an indefinite time in the future, all to his great financial detriment and loss.

14. As a further result of the said accident, Plaintiff has and will suffer severe loss of his earnings and/or impairment of his earning capacity.

**WHEREFORE**, Plaintiff, Ishmael Pinkney, demands judgment in his favor and against Defendants, Carroll Nicholson and Eagle Transport Corporation, for compensatory damages in excess of fifty-thousand dollars (\$50,000) together with interest and costs of suit.

**COUNT II**  
**NEGLIGENCE**  
**PLAINTIFF, ISHMAEL PINKNEY v. DEFENDANT, EAGLE TRANSPORT**  
**CORPORATION**

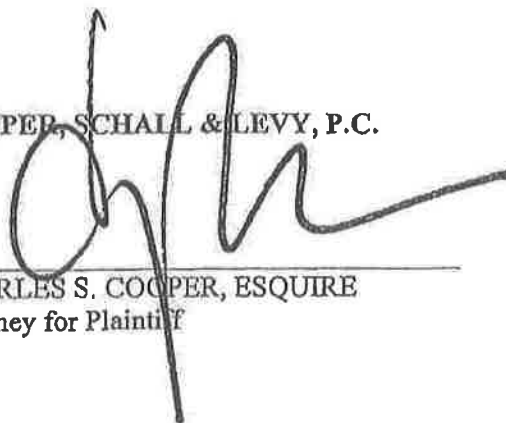
15. Plaintiff, Ishmael Pinkney incorporates by reference thereto Paragraphs 1 through 14, inclusive, as though the same were set forth herein at length.

16. The negligence of Defendant Eagle Transport Corporation, consisted of the following:

- (a) negligently entrusting the aforesaid vehicle to Defendant Carroll Nicholson;
- (b) *permitting an inexperienced and incompetent person to operate the vehicle;*
- (c) failing to act with due care and regard for the position and safety or others, in particular, Plaintiff Ishmael Pinkney;
- (d) *failing to properly train and supervise Defendant Carroll Nicholson;*
- (e) failing to control the acts and conduct of Defendant Carroll Nicholson, and instead acquiescing in Defendant's negligence and carelessness.

**WHEREFORE**, Plaintiff Ishmael Pinkney demands damages of Defendant Eagle Transport Corporation, for compensatory damages in excess of fifty-thousand dollars (\$50,000) together with interest and costs of suit.

COOPER, SCHALL & LEVY, P.C.



CHARLES S. COOPER, ESQUIRE  
Attorney for Plaintiff

Dated: October 23, 2018

VERIFICATION

I, Ishmael Pinkney, am the Plaintiff in the herein matter and certify that the statements set forth in the attached Complaint, Pleading, Motion, and/or Answers to Interrogatories, Request to Produce Documents, and/or Request for Admissions are true and correct to the best of my information, knowledge, and belief. I further understand that all statements set forth herein are subject to the prohibitions set forth in 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.



DATE: 10/23/18

# **EXHIBIT “B”**



COOPER, SCHALL & LEVY, P.C.  
 By: Charles S. Cooper, Esquire  
 Atty. I.D. # 46568  
 2000 Market Street  
 Suite 1400  
 Philadelphia, PA 19103  
 (215)561-3313

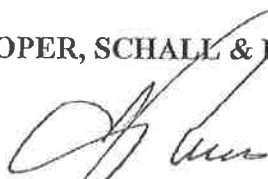
Filed and Attested by the  
 Office of Judicial Records  
 02 NOV 2018 10:17 am  
 JUDICIAL DISTRICT OF PHILADELPHIA

ISHMAEL PINKNEY	:	COURT OF COMMON PLEAS
Plaintiff	:	PHILADELPHIA COUNTY
	:	
	:	OCTOBER TERM, 2018
v.	:	
	:	NO. 3122
	:	
CARROLL NICHOLSON	:	
And	:	
EAGLE TRANSPORT	:	
CORPORTATION	:	
Defendants	:	

AFFIDAVIT OF SERVICE

I, Charles S. Cooper, Esquire, being duly sworn according to law, deposes and says that a true and correct copy of Plaintiff's Civil Action Complaint was served upon Defendant, Carroll Nicholson at 29880 Brittani Lane, Delmar, MD 21875 on October 29, 2018, by certified mail as, attached hereto.

COOPER, SCHALL & LEVY, P.C.



CHARLES S. COOPER, ESQUIRE  
 Attorney for Plaintiff

**SWORN TO AND SUBSCRIBED**

Before me this 2 day of  
November, 2018.



Notary Public

Commonwealth of Pennsylvania - Notary Seal  
 TARA K. VAN ZOEREN, Notary Public  
 Philadelphia County  
 My Commission Expires June 13, 2022  
 Commission Number 1334566



2000 Market Street, Suite 1400 • Philadelphia, PA 19103

Tel: (215) 561-3313 • Fax: (215) 246-0693

1204 Township Line Road • Drexel Hill, PA 19026

Tel: (610) 668-5478 • Fax: (610) 632-4067

[www.CooperSchallandLevy.com](http://www.CooperSchallandLevy.com)

October 24, 2018

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
NO.: 7015 1520 0001 1141 5455  
Carroll Nicholson  
29880 Brittani Lane  
Delmar, MD 21875

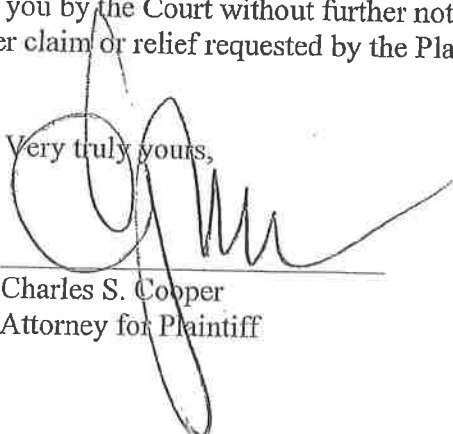
RE: Ishamel Pinkney v. Carroll Nicholson, et al  
Philadelphia CCCP, October Term, 2018, No. 3122

Dear Sir/Madam:


Enclosed please find a Civil Action Complaint, which has been filed against you in Court of Common Pleas in Philadelphia, No. 1810-3122.

Kindly forward these documents to your insurance company and/or legal representative so that the appropriate action may be taken. Failure to do so may result in the case proceeding without you and a judgment may be entered against you by the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff.

Very truly yours,

  
Charles S. Cooper  
Attorney for Plaintiff

CSC/jl  
Enc.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> </p> <p><input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Carroll Nicholson  29880 Britanni Lane  Delmar, MD 21875</p>		<p>B. Received by (Printed Name)  Carroll Nicholson Jr</p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7015 1520 0001 1141 5455</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>9590 9402 2922 7094 4990 67</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Registered Mail  <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**USPS Tracking®**FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 70151520000111415455

Remove X

**Expected Delivery on****MONDAY****29**OCTOBER  
2018 ⓘ**See Product Information** ∨ **Delivered**

October 29, 2018 at 12:54 pm

Delivered

DELMAR, DE 19940

**Get Updates** ∨

Feedback

**Text & Email Updates****Tracking History****Product Information****See Less** ^**Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

# **EXHIBIT “C”**

COOPER, SCHALL & LEVY, P.C.  
 By: Charles S. Cooper, Esquire  
 Atty. I.D. # 46568  
 2000 Market Street  
 Suite 1400  
 Philadelphia, PA 19103  
 (215)561-3313

Filed and Attested by the  
 Office of Judicial Records  
 06 NOV 2018 05:11 pm  
 D. KELLY  
 JUDICIAL DISTRICT OF PENNSYLVANIA

ISHMAEL PINKNEY	:	COURT OF COMMON PLEAS
Plaintiff	:	PHILADELPHIA COUNTY
	:	
	:	OCTOBER TERM, 2018
v.	:	
	:	NO. 3122
CARROLL NICHOLSON	:	
And	:	
EAGLE TRANSPORT	:	
CORPORTATION	:	
Defendants	:	

### AFFIDAVIT OF SERVICE

I, Charles S. Cooper, Esquire, being duly sworn according to law, deposes and says that a true and correct copy of Plaintiff's Civil Action Complaint was served upon Defendant, Eagle Transport Corporation at 300 South Wesleyan Boulevard, Suite 202, Rocky Mount, NC 27804 on October 29, 2018, by certified mail as, attached hereto.

COOPER, SCHALL & LEVY, P.C.

CHARLES S. COOPER, ESQUIRE  
 Attorney for Plaintiff

### SWORN TO AND SUBSCRIBED

Before me this 6 day of  
November, 2018.

Tara K. Van Zoeren  
 Notary Public

Commonwealth of Pennsylvania - Notary Seal  
 TARA K. VAN ZOEREN, Notary Public  
 Philadelphia County  
 My Commission Expires June 13, 2022  
 Commission Number 1334566

**USPS Tracking®**FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**Track Another Package +****Tracking Number:** 70151520000111415479

Remove X

**Expected Delivery on****MONDAY****29**OCTOBER  
2018 ⓘ**See Product Information** ∨**✓ Delivered**October 29, 2018 at 11:38 am  
Delivered, Left with Individual  
ROCKY MOUNT, NC 27804**Get Updates** ∨

Feedback

**Text & Email Updates****Tracking History****Product Information****See Less** ^**Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

## The easiest tracking number is the one you don't have to know.

With Informed Delivery®, you never have to type in another tracking number. Sign up to:

- See images\* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.


### Sign Up

([https://reg.usps.com/entreg/RegistrationAction\\_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo)

\*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.

Feedback



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature</p> <p><b>X</b></p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Eagle Transport Corporation 300 South Wesleyan Blvd. S-202 Rocky Mount, NC 27804</p>  <p>9590 9402 2922 7094 4990 50</p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7015 1520 0001 1141 5479</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Restricted Delivery</p> <p>Domestic Return Receipt</p>	

# **EXHIBIT “D”**

**SALMON, RICCHEZZA, SINGER & TURCHI LLP**

By: Joseph A. Ricchezza, Esquire

Timothy J. Schipske, Esquire

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[tschipske@srstlaw.com](mailto:tschipske@srstlaw.com)

*Attorneys for Defendants,  
Carroll Nicholson and  
Eagle Transport Corporation*

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ISHMAEL PINKNEY	:	PHILADELPHIA COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CIVIL TRIAL DIVISION
	:	
CARROLL NICHOLSON	:	OCTOBER TERM, 2018
	:	
and	:	NO.: 03122
	:	
EAGLE TRANSPORT CORPORATION	:	
	:	
Defendants.	:	

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**NOTICE OF REMOVAL**

TO THE PROTHONOTARY:

PLEASE TAKE NOTICE that Defendants, Eagle Transport Corporation and Carroll Nicholson (collectively "Defendants") have filed a Notice of Removal in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, regarding the above captioned matter.

In accordance with 28 U.S.C. § 1446, Defendants filed herewith and attach a true and correct copy of the Notice of Removal. A true, correct and time-stamped copy of Defendants' \_\_\_\_\_ Notice of Removal to the United States District Court for the Eastern District of Pennsylvania is annexed hereto as *Exhibit "A."*

Respectfully submitted,

**SALMON, RICCHEZZA, SINGER & TURCHI, LLP**

By: \_\_\_\_\_

Joseph A. Ricchezza, Esquire

Timothy J. Schipske, Esquire

Attorneys for Defendants,

Carroll Nicholson and Eagle Transport Corporation

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, Timothy J. Schipske, Esquire, hereby certify that the foregoing Notice of Removal was served this date upon all counsel and parties listed below, by electronic filing and U.S. regular mail, postage prepaid:

Charles S. Cooper, Esquire  
Cooper & Schall, P.C.  
2000 Market Street  
Suite 1400  
Philadelphia, PA 19103

**SALMON, RICCHEZZA, SINGER & TURCHI, LLP**

By: \_\_\_\_\_  
Joseph A. Ricchezza, Esquire  
Timothy J. Schipske, Esquire  
Attorneys for Defendants,  
Carroll Nicholson and Eagle Transport Corporation

Dated: \_\_\_\_\_

# **EXHIBIT “A”**

# **EXHIBIT “E”**

**Timothy Schipske**

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**From:** Jessica Lickfield <jessica@cslattorneys.com>  
**Sent:** Friday, November 02, 2018 4:21 PM  
**To:** Timothy Schipske  
**Subject:** Pinkney  
**Attachments:** Specials part 1.pdf

Ours numbers to date are:

GIC/Patriot:  
\$28,208.22 in Indemnity  
\$45,262.01 in medical

WCSF/Amerihealth:  
\$27,882.80 in indemnity  
\$1,408.87 in medical

Thank you.  
Jessica Lickfield, Paralegal  
Cooper, Schall and Levy  
2000 Market Street, Suite 1400  
Philadelphia, PA 19103  
(215) 561-3313